

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 19

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

MAILED

OCT - 3 2003

PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte VICTOR GIRARDI, MICHAEL KELLEY, PAUL A. KOVLAKAS,
ALLEN L. KRAMER, and CHARLES R. MALANDRA JR.

Appeal No. 2003-1344
Application No. 09/187,907

ORDER REMANDING TO EXAMINER

On September 15, 2003, appellants filed an Information Disclosure Statement (IDS) (Paper No. 18). It is not clear from the record whether the examiner considered the IDS statement(s) submitted or whether the examiner notified appellants of why their submission did not meet the criteria set forth in 37 CFR §§ 1.97 and 1.98.

Accordingly, it is

ORDERED that this application be remanded to the examiner for: 1) consideration of the Information Disclosure

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Statement (Paper No. 18); 2) appropriate notification by the examiner to appellants of such consideration; and 3) for such further action as may be appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the status of this appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS
AND INTERFERENCES

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